

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 WON-YOUNG CHOI,

12 Plaintiff,

13 v.

14 MICHAEL J. ASTRUE, Commissioner of  
Social Security,

15 Defendant.  
16  
17

CASE NO. C08-5422KLS

ORDER TO SHOW CAUSE TO  
COMPLETE SERVICE OF  
COMPLAINT

18 Plaintiff has filed a complaint in this Court seeking judicial review of the denial of his application  
19 for Social Security disability benefits. This matter has been referred to the undersigned Magistrate Judge  
20 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews,  
21 Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on plaintiff's failure  
22 to serve the complaint. After reviewing the record, the Court hereby finds and orders as follows:

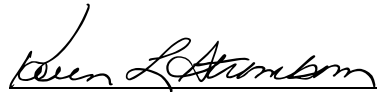
23 Plaintiff's complaint was accepted for filing by this Court on August 1, 2008, after having paid the  
24 filing fee. (Dkt. #5-#6). Because plaintiff paid the court filing fee, he is not proceeding *in forma pauperis*  
25 in this matter. Thus, he is responsible for serving the defendant named in his complaint as required by  
26 Federal Rules of Civil Procedure ("Fed. R. Civ. P.") 4 and Local Rule CR 4(c). In particular, service must  
27 be made within 120 days after filing of the complaint. Fed. R. Civ. P. 4(m). Failure to properly serve the  
28 summons and complaint within the above time frame may result in the dismissal of this case without

1 prejudice. Id. In addition, because plaintiff names a federal officer as defendant, he also must comply with  
2 the service requirements set forth in Fed. R. Civ. P. 4(i).

3 On August 21, 2008, the Clerk re-sent plaintiff copies of the summons to plaintiff, informing him  
4 that they were for him to use to effect service. As of December 2, 2008, however, more than 120 days  
5 after plaintiff had paid the filing fee, it appears from the record that the complaint still has not been served  
6 in accordance with the requirements of Fed. R. Civ. P. 4 and Local Rule CR 4(c). Thus, because service of  
7 the complaint is now overdue, plaintiff hereby is directed to complete service of the complaint as required  
8 by the above rules, and provide the Court with proof thereof, by **no later than January 11, 2009**. Plaintiff  
9 is warned that failure to comply with the Court's order may result in a recommendation that this matter be  
10 dismissed without prejudice for failure to prosecute.

11 The Clerk shall send a copy of this Order to counsel for plaintiff.

12 DATED this 11th day of December, 2008.

13  
14 

15 Karen L. Strombom  
16 United States Magistrate Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28